

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT MICHAEL DITTMAR,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 19-CV-1537
	:	
NORTHAMPTON COUNTY PRISON,	:	
Defendant.	:	

ORDER

AND NOW, this 30th day of April 2019, upon consideration of Plaintiff Scott Michael Dittmar's *pro se* Amended Complaint (ECF No. 6), his Praecipe to Place Motion on Miscellaneous Hearing List (ECF No. 7), and his Motion to Proceed *In Forma Pauperis* (ECF No. 8), it is **ORDERED** that:

1. Dittmar's Amended Complaint is **DISMISSED without prejudice**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim for the reasons set forth in the Court's Memorandum.
2. Dittmar is given thirty (30) days to file a second amended complaint in the event he can state a plausible § 1983 claim naming the person or persons responsible for the alleged violation of his rights, or a proper legal entity subject to suit under § 1983. Any second amended complaint shall identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint, and shall state the basis for Dittmar's claims against each defendant. If Dittmar does not know the identity of any of the individuals responsible, he may refer to them as Jane or John Does; however, Dittmar must

still describe how these individuals violated his rights.¹ Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

3. The Clerk of Court shall send Dittmar a blank copy of the Court's form complaint to be used by a prisoner filing a civil rights action bearing the above civil action number. Dittmar may use this form to file his second amended complaint if he chooses to do so.

4. The Praecipe to Place Motion on Miscellaneous Hearing List, construed as a request for a hearing, is **DENIED without prejudice**.

5. The Motion to Proceed *In Forma Pauperis* is **DENIED as unnecessary** because Dittmar has already been granted *in forma pauperis* status in this case.

6. If Dittmar fails to comply with this Order, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.

¹ Without the name of at least one individual or entity, however, the Court will be unable to direct service of any second amended complaint that Dittmar may file.